

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

GERARD DAVID McCREE, JR.,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:19-cv-722-ALB
)	[WO]
GREG GRIFFIN,)	
)	
Defendant.)	
)	

ORDER

Plaintiff has filed *pro se* motions for a certificate of appealability (Doc. 8, 14) and a motion to proceed *in forma pauperis* (Doc. 9).

Pursuant to 28 U.S.C. § 1915(a), “[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.” In making this determination as to good faith, the court must use an objective standard, such as whether the appeal is “frivolous,” *Coppedge v. United States*, 369 U.S. 438, 445 (1962), or “has no substantive merit.” *United States v. Bottoson*, 644 F.2d 1174, 1176 (5th Cir. Unit B 1981). Applying this standard, the Court is of the opinion, for the reasons stated in the Order overruling the Plaintiff’s Objections (Doc. 6) and in the Recommendation of the Magistrate Judge (Doc. 4) which was adopted, the Plaintiff’s appeal is without a legal or factual basis and, accordingly, is frivolous and not taken in good faith. *See e.g. Rudolph v. Allen*, 666 F.2d 519 (11th Cir. 1982).

Accordingly, it is ORDERED that the appeal in this cause is certified, pursuant to 28 U.S.C. § 1915(a), as not taken in good faith, and the motion for leave to appeal *in forma pauperis* and motions for a certificate of appealability (Doc. 8, 9, & 14) are hereby DENIED.

DONE and **ORDERED** this 8th day of January 2020.

/s/ Andrew L. Brasher
ANDREW L. BRASHER
UNITED STATES DISTRICT JUDGE